

North Coast Regional Water Quality Control Board

Inspection Report

Site: Black Oak Ranch, Mendocino County APNs 013-570-48-00, 013-560-47-00, 013-560-46-00
CIWQS Place ID: 858854
Inspection Date: June 3, 2019

Property Information

County: Mendocino
Physical Address: 50250 Highway 101, Laytonville, CA 95454
Assessor's Parcel Numbers: 013-570-48-00, 013-560-47-00, 013-560-46-00
Owner: Black Oak Ranch Limited Partnership
Size (acres): 355 acres

Inspection Information

Date/Time: June 3, 2019/ 12:00pm
Consent? Yes
Details: Landowner representative Bob Barsotti granted permission. Ms. Maria Mangini accompanied us onsite along with Mr. Barsotti.
Inspection Type: Consent
Attendance:
Connor McIntee, Environmental Scientist (ES), North Coast Regional Water Quality Control Board (Regional Water Board)
Jordan Filak, Scientific Aide, Regional Water Board
Angela Liebenberg, ES California Department of Fish and Wildlife (CDFW)
Multiple Law Enforcement from CDFW
Maria Mangini and Bob Barsotti, landowner representatives
Weather Conditions: Sunny

Inspection Report Information

Prepared by/Date: Connor McIntee, Environmental Scientist, Regional Water Board, on June 5, 2019
Reviewed by/Date: Diana Henriouille, P.E., on June 17, 2019
Photograph/Imagery/Water Quality Sample Source(s): All photographs taken by Connor McIntee unless otherwise noted.
CIWQS Inspection Report ID: 36619401

Property Setting and Background

Watershed: Cal Water 111.1330201; HUC12 180101060102; Streeter Creek Watershed South Fork Eel River Hydrologic Area; Laytonville Subarea (HU/HA/HSA 111.13; Table 2-1, Water Quality Control Plan for the North Coast Region (Basin Plan))

Clean Water Act Section 303(d) Listings (if/as applicable): Sedimentation/ Siltation and Temperature.

https://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/303d/pdf/150710/02_FinalNorthCoastRegion_2012_303dList.pdf

TMDLs (if/as applicable): Sediment and Temperature TMDL – December 1999

https://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/index.html

Development (historic imagery review; Google Earth Pro):

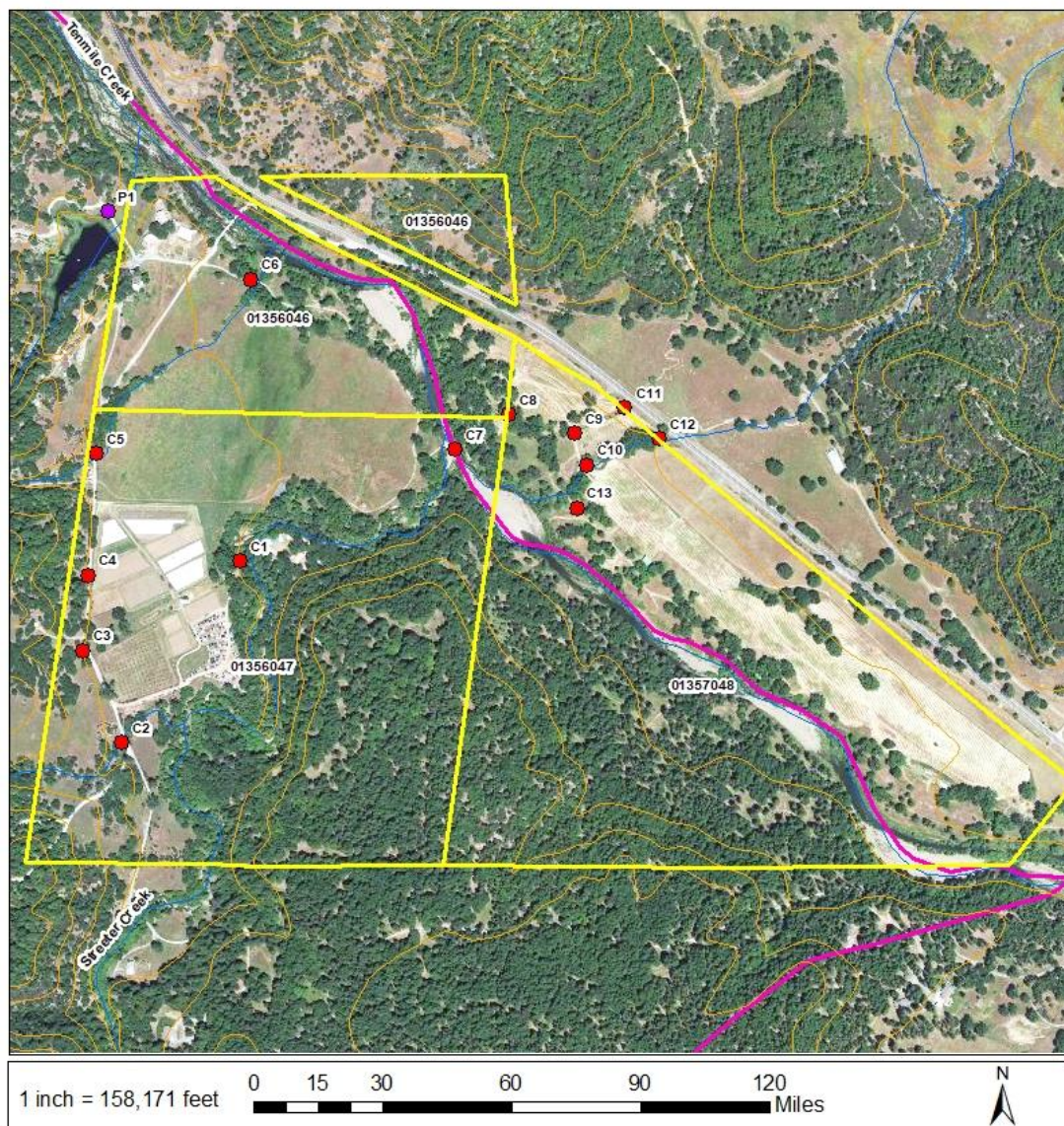
Roads, outbuildings, agricultural activities, and general site development visible in earliest available imagery, June 1993.

Regulatory/Enforcement (general):

The Regional Water Board has no record of enrollment in any State or Regional Water Board Regulatory program for site development or operations.

Potentially Applicable programs: Clean Water Act section 401 and/or waste discharge requirements for dredge/fill in surface waters.

Site Map



Map of Black Oak Ranch Property
Mendocino County APNs: 013-570-48-00
013-560-47-00, 013-560-46-00
NAIP Imagery

Legend

- Parcel Boundary
- Crossing
- Impoundment
- Topographic_Countours



Note: Not all watercourses are shown on GIS map. Some water courses, and other points of interest may be drawn in by hand.

Note: The Base Layer in this map is imagery from the Department of Fish and Wildlife 2016 NAIP Imagery. (Contours are provided by the USGS).



Figure 1 – Inspection points of interest

Inspection Observations/Discussion

On June 3, 2019, Regional Water Board staff inspected the above-referenced property (Property), in the company of scientific and law enforcement staff from the California Department of Fish and Wildlife (CDFW), and landowner representatives. The purpose of the inspection was to evaluate onsite development and conditions, including reported recent dredge and fill activities within surface waters, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state. Figure 1, above, shows inspection points identified and discussed below.

We accessed the Property via a dirt road off of Highway 101, approximately 5 miles north of Laytonville. Once agency staff arrived on the Property, landowner representatives escorted us to the first point of interest, a culverted watercourse crossing, identified as C1 on Figure 1, in Streeter Creek, a Class I watercourse. This watercourse crossing was the subject of a complaint received by CDFW staff in early May. Here, I observed a fill prism primarily comprised of fine sediment, which contained three corrugated metal pipes (CMP), 24", 48" and 36" in diameter. (Photos 1-3, respectively). Mr. Barsotti stated that he had installed this crossing within the past two weeks, after a previous culverted crossing, comprised of a single 36"-diameter CMP failed during a rain event in mid-May. Mr. Barsotti stated that he installs the crossing each year in the spring and removes the crossing each fall, prior to the onset of the winter period. Mr. Barsotti further stated that he had no knowledge that any permits were required to conduct instream work.

Staff observed and measured the dimensions of the recently-constructed stream crossing. The crossing was 43 feet long by an average of 14.9 feet wide (5 measurements of 14.5', 14', 15', 14' and 17', respectively), and an average of 4.1 feet deep. The fillslope was at a vertical grade throughout the prism. The approximate surface area associated with C1 is 641 ft². The CMPs were completely contained within the vertical fill and the inlets and outlets extended out past the upstream and downstream fillslopes. Based on these measurements, Mr. Barsotti placed approximately 2,287.5 ft³ of fill material within the main channel of a class I watercourse. Immediately upstream of the crossing, I observed a pool in the channel with several juvenile salmonids (photo 4). The crossing itself is not properly compacted, and at several locations, while measuring the dimensions of the fill prism, my foot sank into the fill, pushing fill into the creek below.

After observing and documenting conditions at C1, we walked to inspection point C2, a culverted watercourse crossing in the southwest portion of the Property. The culvert at C2 is a 48" CMP situated within a stable fill prism. The culvert is slightly perched and the bottom of the pipe is rusted through at the outlet (Photos 5-6)

Approximately 500 yards north of C2, I observed a culverted watercourse crossing identified as inspection point C3. The culvert at C3 is a 30" CMP, with a misaligned inlet and a perched outlet, approximately 1 foot above the stream channel (Photos 7-9).

Continuing north along the access road, we observed a class III watercourse that had been diverted into the inboard ditch of the road, which is unrelieved for several hundred feet, and discharges to a class II watercourse at a culverted crossing (C5) (Photos 10-12). I observed evidence of erosion and sediment transport in the inboard ditch. Downstream of the road at the point where it intercepts the Class III watercourse (C4), I observed an agricultural field (not photographed) that appears to drain towards a low-lying area with two grazing cows. In the low-lying area, I observed wetland indicator vegetation, including facultative species littleseed canary grass, juncus, rumex, and Todd Rush. I also observed Brome species in this area.

The culverted crossing at inspection point C5 appears to be stable, but we observed that the outlet is perched. See photos 13 and 14.

Northwest of crossing C5, along a spur road off the main access road, I observed an impoundment, identified as P1 on Figure 1 (photos 15-16). The spillway of the impoundment consists of two, 30" corrugated plastic pipes (CPP), that drain onto a concrete spillway that extends for at least 100 feet to a channel below. The fill slope and berm of the impoundment appear stable and adjacent residencies use the road on top of the berm as an access road. The culverts are perched above the concrete spillway.

After observing P1, we walked east along another spur road, where I observed a ford crossing on a class II watercourse, labeled C6 on Figure 1 (photos 17-18) The ford was gently sloped, but did not appear to be adequately armored to protect the channel from traffic-related damage/disturbance.

After observing the crossing at C6, we walked back to the vehicles and travelled back along the main access road to highway 101. We travelled southeast along the highway for ¼ mile to another access road that led us to APN 013-570-48-00, where we parked and walked to a ford crossing on mainstem 10-Mile Creek (C7 on Figure 1, photo 19). Mr. Barsotti stated that he only uses this crossing during periods when there are no stream flows at this location, and the channel is dry at the crossing. I observed no water quality issues with this site. However, Mr. Barsotti also stated that he did not obtain any permit to use the ford for vehicle traffic purposes.

Up the road from C7, along a tributary to 10-Mile Creek, I observed a culverted watercourse crossing, C8. The culvert at C8 consists of a 48" CMP (photos 20-21) that is horizontally and vertically misaligned with the channel.

Farther east along the access road, I observed a culverted watercourse crossing, C9, consisting of a 48" CMP that appeared stable and fairly well-aligned with the stream

channel (photo 23). Mr. Barsotti stated that he replaced the culvert last year, matching culvert size to a Caltrans culvert just upstream at Highway 101. Mr. Barsotti stated that he did not obtain a permit to conduct the work instream and was not aware that he needed a permit. I observed a pile of earthen spoils adjacent to the crossing and perched next to the watercourse (photo 25). I also observed fine sediment deposits in the culvert and at the base of the outlet (photo 24), suggesting that fill from the crossing installation likely discharged into receiving waters.

Approximately 200 yards east of C9, I observed another culverted watercourse crossing, labeled C10 on figure 1. The crossing at C10 consists of three CMPs, with 24", 48" and 36" diameters, respectively (photos 26-27). The fill along the crossing appeared stable, and the culverts were fairly well-aligned with the watercourse channel. However, the overall width of the channel suggests that the crossing is unlikely to adequately pass debris, and potential flow, associated with winter storms.

Upstream from crossings C9 and C10, I observed two rocked fords, identified as inspection points C11 and C12, respectively. The road approaching C11 is a shallow grade, but the ford itself lacks adequate armoring to protect the channel from traffic-related damage/disturbance (photos 28-30). The road approaching C12 is steeper, and I observed erosion on the southern side of the crossing. This ford also did not appear to be adequately armored (photos 31-32).

Downstream from C10, I observed another ford crossing, C13. Mr. Barsotti stated that the crossing was only used by foot traffic. The crossing itself and the road leading to the crossing appeared stable.

<i>Inspection Point</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, C12	Stream Crossings	Stream crossings not properly installed/ sized/maintained. Potential for erosion and sedimentation in a watercourse channel.	1-14, 17-34
C1	Fill in Watercourse	Fill placed, without authorization, in waters of the state.	1-4
C9	Earthen spoils piled adjacent to watercourse	Waste earthen material placed where it can enter receiving waters.	25

<i>Inspection Point</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
P1	Onstream pond with perched, possibly undersized outfall	Potential for overtopping and uncontrolled discharge; potential for erosion and sediment delivery to receiving waters.	15-16

Photos



Photo 1 –C1



Photo 2 – C1 outlet

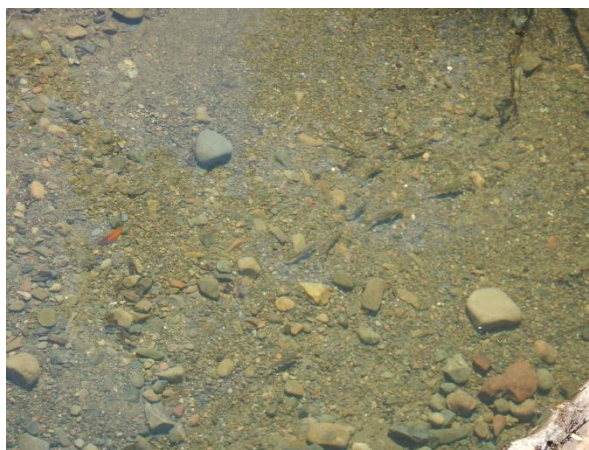






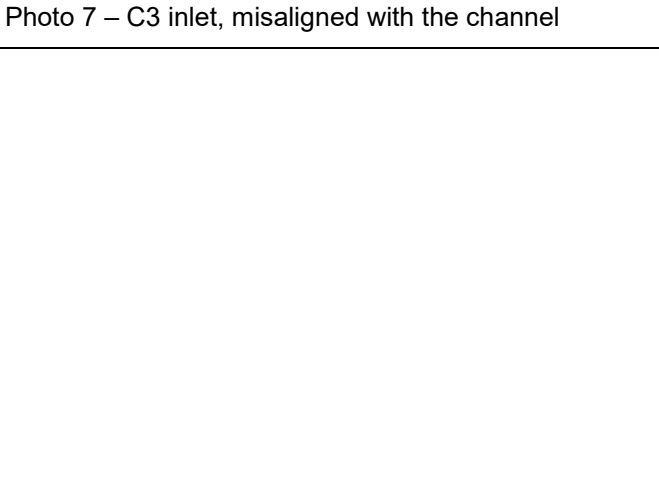
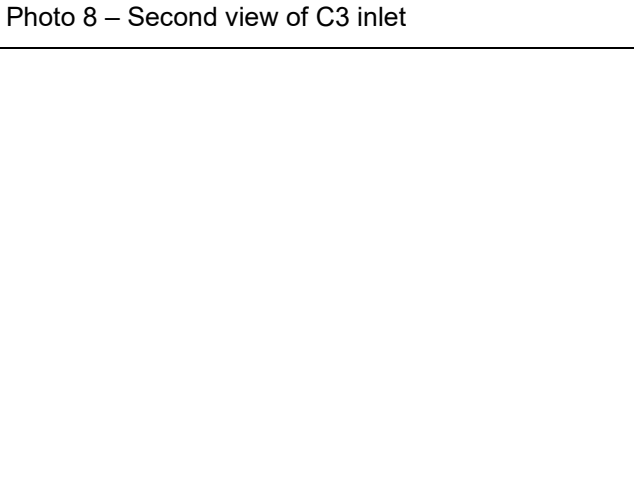
Photo 3 – C1 Inlet	Photo 4 – Salmonids in pool above C1
	
Photo 5 – C2 Inlet	Photo 6 – C2 outlet. Rusted out culvert bottom visible
	
Photo 7 – C3 inlet, misaligned with the channel	Photo 8 – Second view of C3 inlet
	



Photo 9 – C3 outlet



Photo 10 – Channel uphill of C4

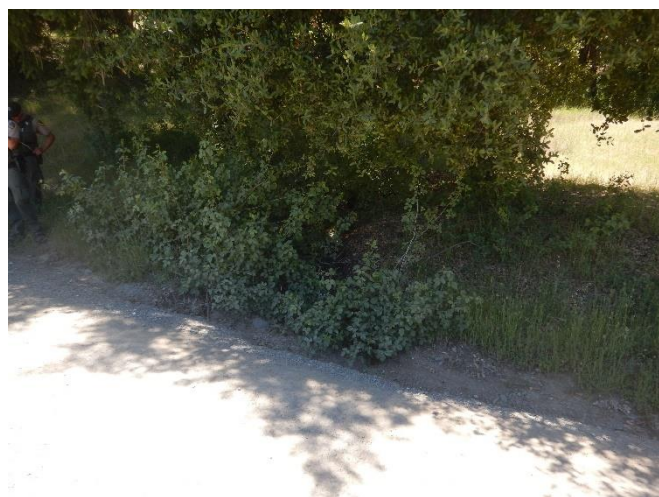


Photo 11 – C4 where the road intersects a class III channel, rerouting it to the inboard ditch



Photo 12 – Inboard road ditch that conveys flows from a Class III watercourse to a Class II watercourse north of C4.



Photo 13 – C5 Inlet, hidden in blackberry thicket



Photo 14 – C5 outlet

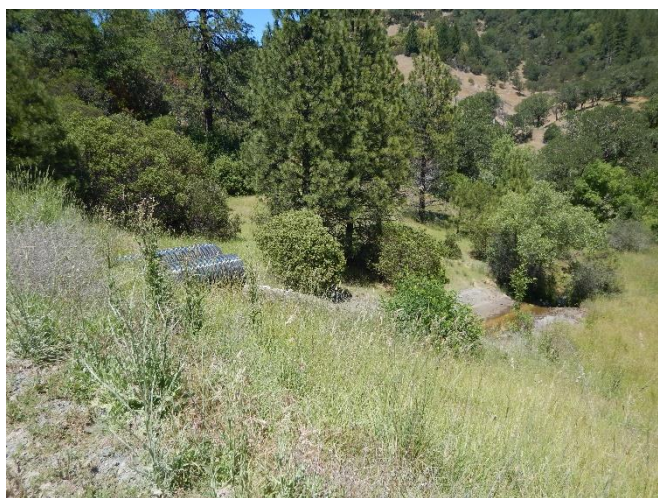


Photo 15 – Outfall of P1



Photo 16 – Outfall of P1



Photo 17 – C6 ford crossing

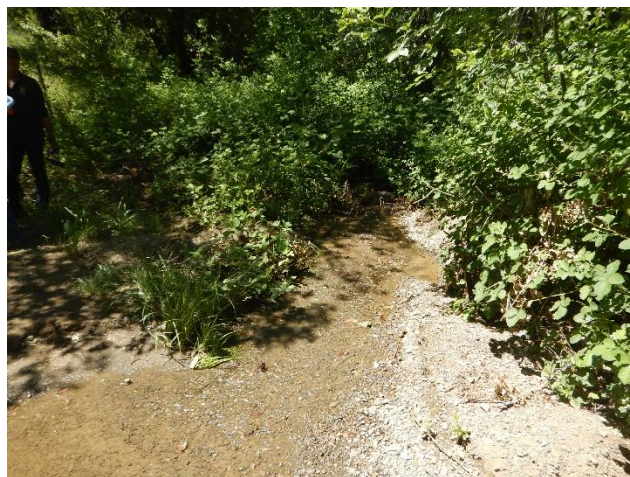


Photo 18 – Watercourse channel downstream of C6



Photo 19 – C7 ford crossing along 10-Mile Creek



Photo 20 – C8 inlet



Photo 21 – C8 outlet. Not visible in this photo: the creek turns drastically to the left just outside of the frame.



Photo 22 – POD1 water diversion point in class II watercourse



Photo 23 – C9 Outlet



Photo 24 – C9 fine sediment deposits associated with the recent installation of C9



Photo 25 – Spoils from C9 installation adjacent to watercourse and crossing



Photo 26 – C10 inlet, three culverts visible within the crossing prism.



Photo 27 – C10 outlet



Photo 28 – C11



Photo 29 – Channel upstream of C11



Photo 30 – looking downstream at C11



Photo 31 – looking upstream at C12



Photo 32 – C12 Ford



Photo 33 – C13 Ford



Photo 34 – Looking upstream of C13

Recommendations

1. Retain a qualified, licensed professional to inventory, assess, and develop a workplan and schedule to implement measures to ensure that all developed features, roads, watercourse crossings, instream features including the instream impoundment, are corrected, restored, and/or maintained in conditions that prevent or minimize erosion, sediment transport/ delivery, and adverse impacts to water quality and beneficial uses. Include measures to ensure that unstable features caused or affected by onsite development and operations are removed or otherwise protected so as to minimize the potential for these features to cause adverse impacts to water quality and beneficial uses. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
2. Retain a qualified professional to develop a workplan and schedule to remove the fill material associated with C1 and restore the channel to its natural state. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
3. Prior to conducting any instream work associated with recommendations 1 and 2, above, submit to the Regional Water Board an application for Clean Water Act section 401 water quality certification, and secure approval from the Regional Water Board.

The 401 Application may be found here:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/wqc_docs/031616_401-Application.pdf

4. In the event that the property owner and/or tenant(s) propose in the future to develop or use the Property in a manner or method that will or may result in a discharge of waste to waters of the state in the future, staff recommend that the owner(s)/tenant(s) be aware of and comply with relevant regulatory requirements for water quality protection. For example, Water Code section 13260 requires that a person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system shall file with the appropriate regional board a report of the discharge. Further, Water Code section 13264 states, in part: "No person shall initiate any new discharge of waste or make any material changes in any discharge...prior to the filing of the report required by Section 13260." In addition, projects involving the disturbance of an acre or more of land are subject to regulation under the State Water Board's Construction General Stormwater permit, and projects involving dredge or fill in waters of the United States are subject to regulation under Clean Water Act section 401. For more information about Water Board permits that may apply to proposed site development or land use activities, refer to this link:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/permit/

ENFORCEMENT DISCRETION

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.